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House of Representatives

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. HASTINGS of Washington].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 15, 1997.

I hereby designate the Honorable DOC HASTINGS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

*Let us pray using words from Psalm 107:
O give thanks to the Lord, for he is good;
For his steadfast love endures for ever;
Let the redeemed of the Lord say so,
whom he has redeemed from trouble
and gathered in from the lands,
from the east and from the west,
from the north and from the south.
Whoever is wise, let him give heed to these things;
Let all consider the steadfast love of the Lord.*

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Guam [Mr. UNDERWOOD] come forward and lead the House in the Pledge of Allegiance.

Mr. UNDERWOOD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the Senate of the following title:

S. Con. Res. 50. Concurrent resolution condemning in the strongest possible terms the bombing in Jerusalem on September 4, 1997.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GOVERNOR WELD DESERVES A HEARING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, while the House of Representatives does not have a role in the process of confirming individuals to high-level Government positions, I feel compelled to object today to Senate intransigence with regard to a particular nomination, both because of the significance of the nomination itself and because of the reflection it casts on Senate procedures and American politics.

First, with regard to the individual involved, it should be stressed that the President of the United States has designated a superbly qualified former Governor to be our Ambassador to Mexico. Bill Weld stands out for his in-

tegrity, his intelligence, and his distinguished public service. In selecting a Republican, the President has wisely determined to act in a bipartisan fashion. He is to be congratulated.

The irony that a Senate controlled by the same political party as a nominee has not even given Governor Weld the courtesy of a public hearing reveals an intolerant aspect of public discourse today. It is an embarrassment to the Republican Party and to the Congress.

In addition, the capacity of a single U.S. Senator to prevent a nomination from being considered underscores the need for the Senate to reform itself.

The Constitution posits within the Senate the power to confirm. The Founding Fathers carefully and prudently crafted this provision to ensure that highly qualified persons would occupy high offices. They did not devolve this power over nominations by the President to an individual Senator. Presidents, under the Constitution, are provided veto authority over legislation. Individual Senators were never provided such authority over nominations.

Indeed, the American Revolution was premised on the notion that democratic decisionmaking involving institutional checks and balances was preferable to kingly dictates and capricious decisions of a landed nobility. Governor Weld deserves a hearing. Senate procedures demand reform. The Constitution requires respect.

Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are cautioned not to urge action or inaction by the Senate during the confirmation process.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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FOREIGN AIR CARRIER FAMILY SUPPORT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, today I will introduce the Foreign Air Carrier Family Support Act which would require foreign air carriers to implement a disaster family assistance plan should an accident involving their carrier take place on American soil.

As many of my colleagues know, the accident involving Korean Air flight 801 has spurred the momentum for this legislation. Two hundred and twenty-eight individuals perished from that tragic episode, and countless friends and families have been affected by the loss of a loved one.

Various civil, military, and Federal personnel were involved in the search and rescue mission, as well as assisting family members on Guam and those who traveled from South Korea and the continental United States. Under the conditions at the time, all personnel contributed their time and energy to preserving life, searching for remains, and helping families cope with their grief.

However, I do point out that there were many criticisms made on behalf of family members regarding the search and rescue efforts as well as media involvement in the aftermath of the Korean Air crash. My legislation will aim to coordinate the complex procedures associated with an airline accident.

The foreign air carrier's clear delineation of responsibilities will clarify and streamline efforts when providing assistance to family members. This regulation is already required for our domestic airlines, as mandated in the passage of the Aviation Disaster Family Assistance Act of 1996. And, after close consultation with the Department of Transportation and the National Transportation Safety Board, I am ready to introduce the Foreign Air Carrier Family Support Act.

I am pleased that two of my colleagues have chosen to support me in this important matter. Representative JIMMY DUNCAN, chairman of the Subcommittee on Aviation, and Representative LIPINSKI, ranking member of the subcommittee, demonstrated their commitment to airline safety by electing to be original cosponsors of this legislation. I have also received support from the administration and Members of the Senate.

The overwhelming endorsement for this bill is not surprising. More and more of our own citizens take domestic and foreign air carriers to various destinations. We must work to ensure their safety as well as peace of mind.

The crash of Korean Air flight 801 demonstrated the need for this legislation. Although Korean Air did all that they could to assist victims' family members, their efforts could have been more efficient had a prearranged plan

been in effect. With prior arrangements there could have been greater coordination not only with family members but with NTSB officials and military personnel.

I encourage my colleagues to support the Foreign Air Carrier Family Assistance Act. This bipartisan legislation assures us that victims' family members of a foreign air carrier accident will not receive not merely sufficient assistance but efficient assistance as well.

COMPREHENSIVE APPROACH NEEDED IN EDUCATION REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

(Mr. OWENS asked and was given permission to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, we are already in the process of debating the Labor, Health and Human Services, and Education appropriation. We have spent most of last week on that debate, and that debate will continue tomorrow. I think it is very interesting some of the kinds of amendments that have been introduced with respect to using funds from other places to assist various programs in education.

While I am all in favor of increased funding for education, I did not support amendments that sought to take funds from Health and Human Services or to take funds from labor programs, programs related to working people. I think we should take this opportunity that has been presented to us. Education is now clearly on the minds of a lot of people, including the decision-makers in the 105th Congress.

We have listened to the common sense of the American people. They have clearly made education a high priority over a long period of time. Education as a priority has not gone away. Prior to the last election, there was a clear, highly visible concern about education which both parties responded to. We had a sudden increase of \$4 billion in funding for education just before the last elections in 1996, last year. That was an indication that both parties had gotten the message. They funded time honored programs, like Head Start got an increase and title I got an increase, and we had several other increases which were very much needed.

We are still in a situation where the public is demanding more, and rightly so, from elected officials at every level for education. They are demanding more of people at the local level and State level and here. We have an unprecedented window of opportunity to do something of great and lasting significance about educational reform in this country.

We can start our schools on the road to improvement, a road to improve-

ment which will have a continuum. It will not be a stop-and-start sort of situation, but it can be a road of steady improvement. But we cannot do that unless we understand that the window of opportunity that we have now requires a comprehensive approach to reform. It requires that we not vulcanize our attempts to improve education.

We understand that it is good to have so much concern at every level; all Members of Congress concerned, parents concerned, people in general concerned about education. That is wonderful.

It is also a fact of life that everybody in America who is an adult considers himself to be an expert in education. Everybody has their own set of pet theories about how education can be improved and what should be done. Everybody has their own theory and approach to instructions on how to raise kids and how to handle young people in the school system.

Lots and lots of people are involved in the process, and that is good. We should not try to turn that off. It is good that millions and millions of people care about education and they care about school reform.

□ 1215

I would like to, however, caution those of us who are in power to understand that although it is good to have everybody involved in the process, there is a danger that any one person who thinks he has the truth can do a great deal of harm if he also has a lot of power. Those who are concerned, who have a lot of power, who want to put their pet theories into practice can wreck the process, or certainly throw it off track for a long time.

Let me just use the story that we have heard repeated often about the blind men who were describing the elephant. Each blind man who felt a part of the elephant, the tail, the trunk, the leg, the body, each blind man who felt a part of the elephant proceeded to describe the elephant, and they felt they had the true situation, the true perception of the elephant. They described the elephant in terms of the parts they felt. They were blind, however. We cannot blame them. They were not lying. They were sincere. They really believed that, according to what they felt, they had a good description of the truth of what an elephant is.

We have millions of blind men and women, I am one, blind in different degrees, who are involved in trying to reform education and improve education. We should stop and think of ourselves as blind people groping to try to come to some kind of ongoing, continual improvement of education in America and have a little more humility. The blind men should understand that you cannot hand down the truth here, that education and reform, improving our schools, is as complicated as nuclear physics. It is more complicated than building an atom bomb or building a hydrogen bomb. It is more complicated

than putting a shuttle in orbit. It is more complicated than building a space station, putting a rover on the surface of the moon or Mars. These things are very difficult, we know, but they are all in the realm of the physical sciences, and in physical science, properties, things do not move and change and vary in the ways that they do when we are dealing with human beings.

Education is a human enterprise. It has many different sciences involved. Education should be respected for being complicated. There are no simple solutions to the improvement of schools in America. There is no one solution. There is a need to approach the problem of school reform on a comprehensive basis and try across the board to deal with the various problems.

There are problems that will not go away in the area of physical facilities. We need schools that are able to provide conducive settings for children to learn. We cannot back away and ignore the fact that the General Accounting Office says we need about \$112 billion to really revamp the infrastructure of elementary and secondary schools across America. That includes in some cases we have just got to build new schools.

There are areas where the large population growth of young people necessitates the building of new schools. There are areas where the old schools are just not sufficient, and they have to be replaced. We have to build new schools there. There are other schools that have to be drastically renovated. There are other schools that need various repairs in various degrees.

So \$112 billion just to do it with physical facilities. We cannot ignore that, no matter what we try to do in terms of improvement of instruction, training of teachers, new forms of governance and management.

Charter schools are very popular. Charter schools represent a new form of governance and management of public schools that has a lot of agreement. Both parties, a lot of people on various sides of the issue think that charter schools are not a bad idea. But even before you try to deal with charter schools, the problem of physical facilities is a major problem. One of the reasons we have so few charter schools starting up is that they cannot find a place to start. The physical facility problem stops them, also. So physical facilities cannot be ignored.

Testing is on the other end of the priorities scale, and I think testing is important. I think assessment in various forms, testing standards are very important. Testing is important, and that cannot be ignored. But you cannot stampede the situation. You cannot insist that you have to have testing, and testing is the most important thing, and generate a debate, a long, prolonged logjam or debate, on testing while you ignore the fact that physical facilities are important.

Training of teachers is important. New materials and technology are important. We want to wire our schools. We want them to have the best capability to make use of the Internet, video, computers, et cetera. All of these things are important, but there are some that in sequence are more important than others.

You cannot have a computer without a mouse. The mouse is a very important piece of the computer. Most people have forgotten that it did not exist 10 years ago. It is a recent addition. Computers existed for some time before we had the mouse. A mouse is very important. But to talk about focusing on the mouse and forget about the fact that the chips, the basis for the computer, the chips had to be perfected first, if there were no chips there to form the basis of the whole computer technology, the mouse would be insignificant. To leap to testing, to emphasize testing over everything else is that kind of absurdity.

We are going to come back to that, but I want to not move into a detailed discussion of the testing debate without first making the case for an approach for school reform. We have a window of opportunity. Stop and think about the fact that the American people can focus on education more now because there is no more cold war. There is no hot war going on. There are really no global crises of a magnitude to take a lot of the time and attention of the leading thinkers of America, to the leading decisionmakers in Government. We can take time to really take a long, hard look at education from a lot of different points of view. That is what the lack of global crises allows us to do.

We have few national emergencies. There is a fire out of control in California, but I do not know whether it is going to become a national emergency or not. No earthquakes, no floods, nothing right now is of a magnitude to require a lot of time and attention. So if we have this kind of time and attention as a sort of a surplus at this point, then let us focus on education in a deliberative manner. Let us focus on the totality of trying to improve education in a deliberative manner. Let us not bully the process from the bully pulpit of the White House or from the bully pulpit of the Appropriations Committee.

If the blind men that I described before have power, any one of those blind men have power, they can force an interpretation of what the elephant looks like, and we have to buy it for a while. But, of course, if they do not have the truth, it will only distort things and make a fool of everybody, because the blind man who had the tail had power, and he insisted that the elephant looks like a tail of the elephant. He describes it as a long, stringy thing. We go off for the next few years trying to deal with elephants as a long, stringy thing, and that is not the truth.

Education suffers in the same way. If powerful people on the Committee on

Appropriations have their own pet theory and they push it forward, then they are going to mess up things for a long time to come. If the President and the White House have their own pet theory and they push it forward, ignoring how it fits into the totality of the comprehensive strategy, then we are going to have a mess. We are going to have some real problems.

I hate to compare education reform and trying to improve our schools to war, but it is a good analogy in this sense. We do not go off to fight wars and let each powerful person in Congress or in a State legislature have his own little pet theory to guide how the war is fought. We won World War II and we won other wars because we have taken a comprehensive approach. It is understood that if you are at war, it takes a total effort. You have to look at manpower recruitment as well as the materials manufacturing, the tanks and the guns and the bombs. You have to look at the psychology of the country. You have to raise the bonds to finance the whole enterprise. You have to have a spy apparatus as well as the Army, the Navy, the Marines. We understand that it is a complex operation, and we prepare for it in an across-the-board, comprehensive way.

Education deserves the same treatment. Let us look at it across the board. We do not have quite the urgency of war. People are not dying. There is no threat to our liberties directly. But it is important enough to take a comprehensive approach, and because of the fact that the urgency is not a matter of guns and bullets and dying, we can take a little more time to be more deliberative.

The history of this body, of the House of Representatives and the Senate, has been that education has been dealt with in the past in a very deliberative manner. The Committee on Education and the Workforce, once called the Education and Labor Committee and now called the Committee on Education and the Workforce, the Education Committee has been the place where we have had the deliberations on education, and the bills have developed out of there and been brought to the floor after they have gone through the committee process.

That has worked very well, in my opinion. I may be prejudiced because I am a member of the Committee on Education and the Workforce. I have been on the Committee on Education and the Workforce now for 15 years. I have seen it change names quite a bit. I have seen it change its form of operation, also, which is unfortunate. There is less deliberativeness now. There is more secrecy even on the committee. The majority does not share with the minority exactly what it is doing. We get last-minute bills put in front of us, proposals.

That is most unfortunate that the deliberative process is treated with contempt even at the committee level. Is it any wonder that when you reach the

House floor, you have a process which treats the whole Committee on Education and the Workforce with contempt? You have more important legislation being proposed through the Committee on Appropriations, more important decisions being made through the Committee on Appropriations than we have through the Committee on Education and the Workforce. That is treating the people on the Committee on Education and the Workforce and the whole process and the function of the Committee on Education and the Workforce with great contempt. That is unfortunate. It started in the last Congress. Now it has reached proportions where it may generate a major disaster.

I know we are not supposed to talk about the other body, but news is news. I will read from the Washington Post editorial so that we are not in a position of breaking the rules and criticizing the other body, but the Washington Post has an editorial which talks about a wrong move on education. It really is focusing on the fact that by a 51 to 49 rollcall vote in the other body, it was voted to take all the education programs and put them into a set of block grants. The Committee on Appropriations made this proposal; not the Committee on Education and the Workforce, the Committee on Appropriations. The Senate voted almost casually.

I am reading a quote from the Washington Post, Monday, September 15, today's Washington Post. It is called "Wrong Move on Education."

The Senate voted almost casually last week in effect to abolish most of the current forms of Federal aid to elementary and secondary schools for the year ahead by merging them into two block grants to school districts. The 51-49 roll call after only perfunctory debate seemed mainly meant to score a political point—that Republicans, all but four of whom supported the amendment, favor local control of the schools, while Democrats, all of whom opposed it, would have the Federal Government dictate school policy. But the issue is phony. Democrats no more than Republicans favor anything like Federal control of the schools, of which there is scant danger—and the schools deserve better from the Senate than to be used as political stage props.

The Federal Government pays only a small share of the cost of elementary and secondary education, about 6 percent.

This is their figure. I think it is not exactly correct. It may be even less than that. The total Federal involvement in education may be about 8 percent, and that includes higher education, which has a far larger percentage of the Federal fund part than the elementary and secondary education. But let us use the Washington Post figure. Only about 6 percent.

The rest is State and local. The Federal role thus never has been to sustain the schools, but to fill gaps and push mildly in what have seemed to be neglected directions. About half the Federal money—some \$6 billion a year—has been aimed since the 1960's at providing so-called compensatory education for lower-income children.

The block grant amendment, by Senator Slade Gorton, would have the effect of con-

verting this into general aid. The requirement that the money be spent on poorer students would be dropped in favor of letting school districts spend it as they deem appropriate. That's more than just a shift to local control; it's a shift away from a longstanding sensible effort to concentrate the limited Federal funds on those in greatest need. Does Congress really want to reverse that policy?

Most other Department of Education programs—though not such popular ones as aid to the disabled—would be bunched in the second block grant. As in most departments, a pretty good indication can be made for such bunching. Some programs are always floating around for which the original rationale was weak or has faded and that are too small to warrant separate administration. But that is true of only some, not all, of those Mr. Gorton would dispatch. Example: The Senate voted Thursday in favor of a compromise version of the national testing program the President supports, but in voting for the block grant, as Education Secretary Riley observed, it then voted to eliminate the funding for this purpose.

Other special purpose programs in aid of particular groups or in support of reform likewise would disappear, the secretary said, including several the President has touted as evidence of his commitment to education. The President and Democrats generally have made effective political use of the education issue in the past few years. Block-granting would leave them less of a stage from which to do so.

The Gorton amendment would be only for a year, at which point the appropriations bill to which it was attached would lapse, and the issue would have to be fought all over again. That's another reason why, even if mainly for show, it was the wrong way to do business. Mr. Riley was authorized to say it was "unacceptable" to the administration, meaning presumably that the President would veto the bill if the amendment were to survive in conference. He'd be right to do so.

□ 1230

That is the end of quote from the Washington Post editorial.

Mr. Speaker, I will submit the entire Washington Post editorial for the RECORD.

While we fiddle about national testing, there is a basic crisis being created by a proposal that we block grant all of the education programs. The Washington Post has amnesia in one area, and that is they do not point out the fact that the great debate on Federal involvement in elementary and secondary education that took place over a number of years reached the conclusion by deciding that the Federal Government should enter elementary and secondary education only to come to the aid of special situations, like impact. If military bases have an impact on the area, there should be Federal aid. The other place was aid to disadvantaged students.

The poor, aid to the poor, was a primary thrust of the Federal intervention, Federal involvement, and the Federal initiatives with respect to education. The Johnson administration, which led the way for title I, they made a case on the basis of poverty. The Office of Education, Research and Improvement, in the charter which establishes it, talks about improving education, first in the area of disadvantaged children and children in poverty.

The whole thrust of the Federal Government's involvement in education, which is primarily a State function and nobody debates that, the whole thrust has been to help the poorest districts, to help where it felt it could come to the aid of States and local governments in trying to deal with a problem that was clearly seen.

We saw it in World War I and World War II when they started recruiting youngsters for the draft. They saw gross inequities. We saw it at the time of Sputnik, when the Russians jumped ahead of us in space technology, and they did it because they had a superior apparatus in materials of education, which produced not only the general uses at the top, but the technicians and all the people up and down which are necessary for a complex society to produce the kind of technology we have in this space age. We understood that.

So we have had a history of the Federal Government's rather limited involvement, very limited. People blame the Federal Government for what is not right with education, but they forget that the Federal Government's involvement in terms of dollars in all education is no more than 8 percent. When you include higher education, the heavy involvement of the Federal Government in college aid now, it is 8 to 10 percent. It has never gone above 10 percent.

If even all of that 10 percent were in local elementary and secondary education, let us hypothetically say you have the whole 10 percent in elementary and secondary education, if the whole amount went to local education, it is still only 10 percent. The other 90 percent comes from the States and local governments.

The control, if control is followed by dollars, they say if you have Federal Government involvement, if they are paying part of the money, if they are paying for it, they are going to call the tune. Their influence would be, at the greatest, 10 percent. Ninety percent of the influence and decisionmaking, 90 percent of the power to run our schools, still rests with the State and local governments.

Let us be reasonable. You cannot control the situation with 10 percent of the funding. We talk about title I and all these other things that have failed. Well, they were only the icing on the cake, maybe the raisins in the bread; very, very tiny, but important elements. We think they are important because they are considered like the yeast in the bread. They have a vital role. They can be stimulants, like the catalysts and enzymes in our bodies, that do nothing except speed up certain operations or make them work properly. Like the oil which lubricates the machinery, there are a lot of things that can be done by a small quantity of something which is placed in the right way and serves the right function. That is the way the Federal Government's involvement in education has been.

Maybe too little of it. I am not one of those who fears that there is too much Federal intervention. I really think personally we should move toward a 25 percent involvement of funding, that the Federal funding in local education should go as high as 25 percent in order for us to get out of the present rut we are in with respect to infrastructure, materials and teacher training, the new technology.

It is unfortunate that we have these myths that get caught on. They hold on to these notions that somebody else is to blame, that local governments have done a bad job, that local school boards have done a bad job in terms of measuring up to the world standards.

Before Sputnik and the Federal Government got involved in promoting science and math education, we were way behind. We are in many ways failing to meet the challenges of the final years of the 20th century and the 21st century in terms of education, which provides young people can step out of high school and take the jobs that are available in the areas of media, computer, and a number of areas where we have jobs that are going begging because there is nobody qualified to handle those jobs. That failure is not a Federal Government failure, it is a local and State failure.

I am not here to lay blame, I am here to call for unity. I would like to see some unity, Federal, State, local governments, in terms of a comprehensive, deliberative approach to educational improvement.

Instead of going off on headline grabbing, highly visible ventures like national testing or uniforms or block grants, which will hand to the schools a pot of money, and say we do not care how you spend it, forget about the disadvantaged youngsters that we originally intended this money for, those kinds of things will wreck the system, instead of facilitating the construction of a school improvement effort that will go forward and serve future generations.

I am sure every parent and grandparent is concerned about their child being able to have first rate schools now, and not to wait.

There is a bright light in terms of when I was the chairman of the Subcommittee on Select Education with the Office of Education, Research and Improvement under the jurisdiction of that committee. We did push for the formation and reorganization of the Office of Education Research and Improvement, and developed a National Education Research Policies and Priorities Board. That does exist. I hope they take into consideration that priorities part. They are not only supposed to set the research agenda and project that 5 or 10 years ahead of time, but also supposed to help set priorities. With all due respect to what is going on now with the National Educational Research Policy and Priorities Board, I want to appeal to them to understand that the priority setting is

getting out of hand. Other people are setting the priorities. We need to hear from the National Education Research Policy and Priorities Board.

This document they produced, the first report called "Building Knowledge for a Nation of Learners: A Framework for Educational Research, 1997," talks about what the parameters are and what the elements are for a good, long dialog and discussion with all facets of the American Nation of people concerned with education. Everybody is concerned. Teachers, policy-makers, government people, they want to have a dialog. They talk about this dialog, and that is good. They put a great deal of emphasis on teacher training and putting teachers at the center of the process. That is good and generally agreed upon. There is no debate between Republicans and Democrats about the role of teachers in the process or the need for greater teacher training.

The problem with the document is the sense of urgency is not there and the next deliberation, the next document, the next outreach, the next initiative by the National Educational Research Policy and Priorities Board has to take into consideration the fact that we are moving very rapidly. There is a lot of concern, and we need from them a greater sense of urgency to help pull in all of these various proposals that are being made.

All these blind men out here groping for the truth, sincerely, the blind Republican Party, the blind Democratic Party, the blind members of the Committee on Appropriations, the Committee on Education and the Workforce, we all need to take those parts that we can see and feel and are strongly advocating and put them into a framework for an ongoing comprehensive reform policy.

Now, that is not an easy order. Education is as complicated as nuclear physics, as I said. Reform in education is as complicated as building a nuclear submarine or hydrogen bomb. It is a complicated process and we should not belittle the difficulties. But there is agreement, and I want to emphasize, we have a window of opportunity not only because the American people have made it a high priority, but because there is a great amount of agreement among the people who are most concerned about education, about certain very important items. There is a great deal of agreement between Republicans and Democrats on certain important items.

The first elements of our accelerated reform effort, a reform effort which moves with a sense of emergency, a reform effort which acts more like you are fighting a war, and it is across the board and you have to deal with it. You have to deal with governance of schools or boards of education, you have to deal with management, the quality of administration and direction we are getting. You have to deal with the teaching apparatus. You have to deal

with the physical facilities, construction, repair, renovation. You have to deal with the new technologies. You have to deal with the need for materials. We have library books in New York City libraries which deal with geography and history, and they are 30 years old. That is distortion of education. That is miseducation. You should throw them away even if you have empty shelves. But what do you replace them with? You have to deal with that.

Opportunities to learn. We have to focus on opportunities to learn and what that means and the Federal role in opportunities to learn. Opportunities to learn is a very simple concept, and I want to repeat, we have agreement in 1994 when we passed the Elementary and Secondary Schools Assistance Act, which also contained Goals 2000 as a part of it, we had agreement, a working compromise. Some people did not like the idea of national testing, the Federal Government being involved in developing testing standards, liked the idea of a national curriculum, and the others liked the idea of national testing that did not like the idea of national curriculum. There were some of us that did not think either idea was that good unless you combined it with something else, and that was called a national set of opportunity to learn standards.

We had a compromise. In the legislation passed in 1994, the reauthorization of the Elementary and Secondary Schools Assistance Act, there was a three-pronged attack in terms of the Federal Government pushing national standards: National standards for curriculum, national standards for testing, and national standards for opportunity to learn.

Now, where there is disagreement, and the unfortunate thing that happened was in 1996, the all-powerful Committee on Appropriations took out, they repealed, the opportunities to learn prong of the three initiatives. Opportunities to learn was taken away, leaving just testing, national standards for testing and national standards for curriculum. I say national standards for testing. It was not a national test. They are moving beyond that when they called for national test. We will get to national testing in a few minutes.

But opportunity to learn, I regret, does not have the kind of agreement we need. So let us put it on a back burner for a while and look at the places where we do have agreement. We have agreement there is a great need for teacher training and more involvement in the Federal Government in trying to facilitate teacher training that should take place. We have agreement that we need more technology in our schools and we should harness the advantages of the Internet and computerization and prepare our children, students, for the jobs that are to come in the future and for the transformation of society with the computer and the technology

of the Internet and telecommunications playing a major role.

This Congress passed the Telecommunications Act of 1996, which had in it a mandate that the FCC had to develop certain procedures and a program to provide aid to schools and libraries. They have done so. The FCC has passed a set of regulations which will provide \$2.2 billion a year, \$2.2 billion a year, for telecommunications services to schools and libraries. That is going forward.

Coupled with that is the Technology Literacy Act that is also getting an increase in funding. There is agreement, Republicans and Democrats across the board, local level, State level, and Federal level, on technology. So that is a second place where there is great agreement. Teacher training, technology, the uses of technology for education, a new initiative, improved initiative for technology in schooling is going forward.

The third is charter schools. The charter schools, there is still some controversy lingering with respect to charter schools and not everybody is on board, but there is great agreement between Democrats and Republicans that they are a good idea. There is a great agreement. Even the National Education Association and the American Federation of Teachers, they have approved the concept and are willing to go forward to experiment.

Charter schools are no cure-all or miracle for anything. Charter schools can be added as one component of the whole reform effort. Across the board you have these various attempts to improve schooling. The whole school reform, the whole school approach to reform that was advocated by a member of the Committee on Appropriations, that is important. It ought to be in there in terms of the overall running of schools. I think that is a very good idea. I have always advocated that.

There are a number of other approaches in terms of reading, there are approaches in terms of the way you use technology. All those things should be in there across the board, in that across-the-board strategy. One important component would be charter schools. Charter schools are very important because they deal with governance and management.

At the heart of some of our problems is the failure of governance. While we praise local school boards and some Senators and Congressmen want to push more money down to the local level, some of the worst and most corrupt decisionmaking processes in the whole area of schooling has taken place at the local school boards. Patronage problems, corruption, all kinds of things have happened in the area of local school boards, and it is just a fantasy, a romantic ideal without any basis to talk about local control being the Godsend that can handle everything. Local control often is very poor, very backward, and even when it is honest, as in the case of 90 percent of

our school districts or more, most of them are honest, hard-working people, they are slow to pick up on national trends. They are slow to pick up on international trends. They are slow to pick up on innovations. They need some help in terms of understanding what the possibilities are.

So governance and management, new ways to approach that, is found in the area of charter schools. When you have a charter school, which is a public school, the funding for the charter school is public, the whole idea is that the amount of money spent per child in the traditional public schools or localities, that same amount of money would be spent per child in the charter school. The charter school would have a different governance. They would be bound by certain State rules and maybe certain local rules, but they would be able to get out from under the local apparatus, the bureaucracy that runs the local traditional schools in the area. They would be able to experiment and do some things without having to have a level of improvement within the bureaucracy or without being bound by tradition. They could have innovations without seeking approval, and they would be held accountable, the same accountability mechanism, the same tests that you apply to local schools. The same whatever judgments you are going to make or criteria you will use to evaluate what the traditional local schools are doing, you would use that on the charter school.

□ 1245

You would have the flexibility. They could breathe. Teachers who complain all the time about being stultified by the bureaucracy, the rules, all the other things they have to do other than teaching, all the kinds of problems that teachers present, some could be ameliorated because they would have a way to get command of those rules and those processes and those procedures in a charter school setting.

Charter schools do not have to be a little red schoolhouse. It should not be limited to 100 kids or 300 kids. Charter schools can take many forms. I hope we have some charter schools which deal with disruptive junior high school and high school students, and take on the challenge.

That is a major problem in the cities, complaining all the time about disruptive students and what they do to other students. They imply that they cannot be handled in the classroom, that the regular traditional apparatus cannot deal with them. If that is the case, let us have some charter schools which seek to deal with disruptive youngsters, and lay out a plan of people who are dedicated and went to do that.

They are in charge in terms of they are the board of directors, they make the policies, they determine who the managers are going to be, the principals, the rules for the faculty, the structure; if they went to a different

structure from the traditional structure of one teacher in a class of 25 or 30 kids; maybe they want to infuse more technology, more kinds of approaches to squad learning, and techniques used by the Army to teach. There are other things that they would be free to do without having to get approval from the whole system.

I have no quarrel, and I am not criticizing local education agencies as being inevitably stupid or inevitably hidebound. Local education will for a long time be all we have. Even with charter schools, it is the local education agency that is going to have to get things done.

But a local education agency has to stop and think about what it is doing in terms of many different entities before it can make a move. They are inevitably forced to be more cautious and move slower. So let us welcome on the fringes, and I do not want to use the word "fringes," but let us welcome a component which can move with greater freedom and flexibility within the strictures, really, of the local education system.

Charter schools are not a threat to the public schools, I assure the Members. Charter schools at this point, according to the Office of Educational Research and Improvement review, it said there are about 600 charter schools in the country now, 600.

Charter schools, as I said, are public schools. There are 86,000 total public schools, 86,000. That is 16,000 local school boards; but actual schools, 86,000 schools. Six hundred charter schools are no threat to 86,000. In fact, by the end of this year they expect maybe we will have 800. Eight hundred are no threat to 86,000. It is far too small. We need enough charter schools to be able to measure what is going on.

If we do not do something to improve the environment that charter schools exist in, they are going to drop off the radar screen. They do not want to lose them as part of this experiment, or I do not want to see them not become a part of the experiment. We ought to have enough charter schools to measure how they perform against the public schools.

A lot of people insist that the competition is needed. As Members know, the Republican platform for some years has insisted that we need competition with traditional schools through vouchers, that vouchers provide competition. It allows parents to make choices and take their kids to some better school, and the competition with the school that receives the vouchers, between the school that receives the vouchers and the school that has a traditional education, that competition is going to help improve education overall. That is the argument made.

We differ on vouchers, but on the competition I agree. Competition in the schooling process, competition within the whole environment of school reform, will be very good. We

need competition. We can get the competition through charter schools. Publicly funded charter schools can give us the kind of competitive situation which would allow us to compare what the traditional schools do with what a group of people who are free to innovate and freer to do things in many ways.

Let us understand that Republicans agree that charter schools are good, Democrats agree that charter schools are good, the National Education Association agrees that they are willing to try charter schools as part of the experiment. The American Federation of Teachers and numerous other organizations that care about education and are involved deeply in education have approved the concept.

If the concept is approved, this is one of those areas of agreement where we can move forward in this comprehensive approach. We do not have all the pieces there, but we have teacher training, technology, and charter schools. Let us not lose this window of opportunity quarreling about block grants, which would wipe out the focus of the Federal Government on special needy targets, or quarreling about testing, or quarreling about uniforms. Let us understand what the priorities are. Those things may be important.

There is one thing that we do not agree on, and that is construction. The President's construction initiative would propose \$5 million over a 5-year period for school renovation and repair. We need that, because these other parts will not work, the charter schools and the technology will not work, if we do not have some relief in the area of physical facilities. The teacher training will have limited impact.

Teachers are laughing at us when we talk about education reform and we have children who are in crowded schools, so crowded that some of them have to go to school or have to study in the bathroom. That is not a fiction. There is a great controversy in New York now about an ad that was used in the mayoral campaign by candidate Ruth Messenger when she told the truth. She had a picture of the kids in the bathroom. Twenty-five percent of the schools at one time or another have had to use their bathrooms for the overflow. Many of them regularly use hallways. A large percentage, probably the majority, are using their cafeterias and their gyms as classrooms.

There are schools in New York where children must go to lunch at 10 o'clock in the morning, and one at 9:45, because there is so much overcrowding that they cannot go to the cafeteria except in relays. So the first children are forced to eat at 10 o'clock, the last children eat at 2 o'clock.

In my opinion, and I have made it quite clear that I intend to do more about this in pursuing it, this is child abuse. To make a child eat his lunch at 10 o'clock, that is child abuse. I do not know why the health department

would tolerate this, and we are going to push on this. But it is done in a large number of schools because of overcrowding. There is a major problem.

So the teacher will be very cynical when you say you are interested in reform and you want to bring in new technology, computers, the Internet, while you are not relieving the problem of overcrowding. The teacher will be very cynical if you talk about charter schools being a good idea but there is no money to buy a building for a charter school or renovate an old building in order to have a charter school take place. Charter schools have indicated, or people who are concerned about charter schools have indicated that their No. 1 problem is facilities. They cannot find the facilities, so construction is important in our across-the-board comprehensive approach.

There are many pieces that I have not talked about, and there are some that I do not even know about. But let us recognize with humility that we are all blind men. There is one piece, though, that we ought to have in there in order to make the three pieces work that we agree on, the three components that Republicans and Democrats agree on: teacher training, charter schools, and technology. Those three will be made more operable and meaningful if we have the initiative for construction. The construction initiative is a very cautious one, limited one, conservative one: \$5 billion over 5 years. That is all we are talking about.

New York State has already, I think, been inspired by the President's direction. The President did announce in his State of the Union Address that he was going to push for the \$5 billion. The President did put it in his list of items in the nonpartisan budget negotiation, so I think that the very fact that in the budget the President took the initiative and made a trial has inspired some other States and localities. So New York State has a bond issue on the ballot on November 4 to provide \$2.2 billion for school construction.

□ 1300

It is very much needed. I hope that we go back, before this first year of the 105th Congress is over, so that we can do something about that construction initiative that was knocked off track for the whole country.

It was only a stimulus; \$1 billion a year over a 5-year period, would only stimulate the local and State governments, but the stimulus is very important. It helps to promote an idea for a population that is generally suspicious of any new initiative to spend money.

We expect in New York State that this bond issue will pass. The voters in all parts of the State feel the pressure of aging physical facilities. There are some communities where they are concerned about the infrastructure. They have fairly decent schools, but they are 30, 40 years old, and they see problems arising in terms of new wiring for the

computers, new kinds of things happening, plus the aging factor is there. And the question is, Is it more important to repair very old buildings or try to build new ones? Or if we are going to repair the old ones, that will cost a great deal, too.

So we have, I think, a universal need. Probably in every school district in America there is some need for renovation, repair or construction. So we ought to get back to it. This window of opportunity where the people of America have clearly shown their concern about education, the window of opportunity should not be lost. They deserve more from their elected officials at every level. Certainly they deserve more from the Members of Congress.

Members of Congress should try to respond to the demand of the people, of the voters, in a more responsible way. Let us not just throw them gimmicks, let us deal with items of agreement, teacher training, charter schools, and technology, and understand that those three cannot work unless we have a Federal initiative in construction.

The Congressional Black Caucus has some other initiatives that they have proposed in terms of computer training which should be extended beyond the schools, and in order to have youngsters who are disadvantaged and do not have computers at home to have places to practice outside the schools. So we are proposing storefront training centers, computer centers, and a few innovations of that kind.

But let us agree on the basics. At least get the technology into the local schools and get charter schools in a position, if it is a good idea, where they can have the money they need for the facilities and be able to go forward.

Where does testing come into all this? We will have a debate on the floor on the President's proposal for national testing. I am on the side which opposes national testing at this time. I was a member of the Committee on Economic and Educational Opportunities when we passed the Elementary and Secondary School Assistance Act in 1994. We had this great debate. We went through a deliberative process on the committee. We debated for months. And after we passed it out of the House of Representatives we debated with the Senate, because they did not have the same thing we had. In the conference process we worked back and forth with the Senate for another 3 months.

The deliberative process was in place and a compromise was reached where we had a three-pronged approach: National standards for curriculum, national standards for assessment and testing, and national standards for opportunities to learn. I am against the testing at this point because in 1996 they pulled out the national standards for opportunities to learn.

If we do not have the Federal Government using its influence, its clout, its bully pulpit, we cannot make the States do anything. And all this is voluntary. But when the Government

speaks up and the President speaks up, people listen and the local elected officials at the State and local level must respond.

When the President talks about opportunities to learn in terms of construction that will provide new facilities; when the President talks about opportunities to learn in terms of science laboratories where kids can really studies science, with appropriate science equipment; when the President talks about opportunities to learn in terms of teacher training, we do not have a situation like the one we had in New York a few years ago.

A survey was done by the Community Service Society and they found that two-thirds of our schools, where the African-American and Latino youngsters go to school, in those junior high schools, two-thirds of our junior high schools in the city, and we have 1,100 schools, and I do not know how many junior high, but within the context of 1,100, that many schools, that two-thirds of the junior high schools did not have any teacher who had majored in math and science teaching math and science.

Math and science was being taught by teachers who had certification in other areas. That was 3 or 4 years ago. It is worse now because, since then, we have had campaigns by the city to encourage older teachers to retire. In order to save money, older teachers are encouraged to leave the system. The science and math teachers were some of the first to go because they had jobs waiting for them outside in private industry or in other school systems in the suburb.

We have a steady drain on the brain, the best teachers and the most experienced teachers. Even without encouragement from our Government, they are steadily moving out from New York City to the various suburban areas which pay higher salaries. That is always a drain. So the likelihood that the situation with physics, chemistry, general science teachers, biology teachers is going to improve is zero.

Any reasonable analysis of the situation will show us that it is not going to get any better under the present conditions. Math teachers. We are not going to have the teachers. We have to have some new form of teaching to deal with that. Opportunities to learn must be provided somehow. We have to come up with something.

I emphasize technology, new technology, which will have videotapes and commuter instruction and Internet instruction to help back up the few math teachers we do have and have some kind of way to approach it by getting the best of help through distance learning and these various techniques where we can bring high quality teachers into any classroom in America and provide a lesson or demonstration on a video which can illustrate a principle in physics or some part of biology in ways in which we could never do it without the new technology.

So the new technology is not a luxury, it may be the only answer to solving the problem of decent math and science teachers in inner city schools where we have lost them and we are not going to get them back any time soon. So opportunities to learn means we address that kind of problem.

When they pulled out the opportunity to learn standards during a Committee on Appropriations conference, and I questioned the legality of that because appropriations committees are not supposed to legislate, but in this case, in 1996, the Committee on Appropriations repealed a part of the Elementary and Secondary School Assistance Act. When they pulled it out, they left us with just the two prongs, national curriculum standards, which I am still in favor of, but national testing standards, which I do not want to see go forward without the opportunity to learn. They must balance off each other.

If we do not have the opportunity to learn, I know what the tests will tell us. We know who will fail. We know who fails now. They will fail on the national test if they do not have the opportunity to learn. Testing without the opportunity to learn is abuse of students. We are abusing the students by saying the burden of school reform, the burden of school improvement is on their backs. We are not going to give the students a decent place to sit, a safe place to learn; we are not going to give them decent laboratories or decent library books, we will not give them the kind of science equipment and materials they need, but we are still going to test them and put a score there where they will be stuck with that score for a long time to come.

A national test is being proposed. That was not in the legislation. The National Government was not supposed to be involved in testing standards, setting standards so that States and localities would have a similar set of standards and be able to make comparisons. Now we propose a national test which, one of these days, might not be a bad idea. I have no problem with a national test if it is done in conjunction with the opportunities to learn.

Our problem is that presently the national test represents an easy way to fool the American people that are clamoring for improvements in education and make them believe that they have accomplished something significant when they have accomplished nothing. The national testing is a decoy, a diversion. A diversion. It really should not come at this time. It diverts us.

There are other people that have other reasons for opposing national testing. I support not the generally stated conservative reason of we do not want any more Federal intervention. I do not agree with that. William Bennett does not agree with that, Chester Finn does not agree with that. They want a national test. They are Republicans. I think national testing is not a

bad idea eventually, but the national testing at this time, under these conditions, we are being stampeded into doing a national test, and that is wrong.

It should go back to Congress, as an amendment on the floor tomorrow would propose, that Congress should have the opportunity to deliberate. Back to the deliberative process, where the blind men have a chance to confer with each other and come up with something where all the very important is taken into consideration.

I use the analogy of the elephant and the blind men, because I think it is very important that we make the point that very powerful blind men can do a great deal of harm. A blind man who happens to be in the White House, a blind man who happens to be on the Committee on Appropriations can do a great deal of harm, because they insist that they have the truth without consulting with the others of us who are groping the same elephant, and we can do some things that will set us back in the process of education reform.

The Leadership Conference on Civil Rights is opposed to testing, and they give a set of good reasons, which all relate to the fact that we are moving too fast, being stampeded. They said the administration proposal allows school authorities to exclude or refuse to accommodate students who have limited English proficiency or who have disabilities. They say also that the administration's proposal fails to provide safeguards against the invalid and inappropriate use of test results. They fail to hold school authorities accountable by requiring public reporting of results so that parents and others can take informed action. The administration's proposal does not take even modest steps to identify details of critical educational resources that have a significant impact on test results.

That is the primary point of my concern. Critical educational resources, opportunities to learn, have an impact on test results. And we can say ahead of time who will fail and who will score high by looking at the kind of resources that are available to our students. The administration must take the necessary steps to assure that the laws and policies according to the rights of equal educational opportunity will be effectively enforced.

That is the Leadership Conference on Civil Rights. NAACP Legal Defense Fund had some of the same kinds of concerns. Tests will be used for high stakes decisions about students' futures and under the present conditions it is not fair to do that, and on and on it goes.

I hate to conclude on the note of tests because my plea, my major concern is that we operate together on the points where we are in unison. We do agree that teacher training, charter schools and technology are important. Democrats and Republicans should join hands and respond to the public demand for improvements in education in

a positive way by moving on these areas of agreement in a comprehensive reform approach.

Mr. Speaker, I include the Washington Post article for the RECORD.

[From the Washington Post, Sept. 15, 1997]

WRONG MOVE ON EDUCATION

The Senate voted almost casually last week in effect to abolish most of the current forms of federal aid to elementary and secondary schools for the year ahead by merging them into two block grants to school districts. The 51-49 roll call after only perfunctory debate seemed mainly meant to score a political point—that Republicans, all but four of whom supported the amendment, favor local control of schools, while Democrats, all of whom opposed it, would have the federal government dictate school policy. But the issue is phony. Democrats no more than Republicans favor anything like federal control of the schools, of which there is scant danger—and the schools deserve better from the Senate than to be used as political stage props.

The federal government pays only a small share of the cost of elementary and secondary education—about 6 percent. The rest is state and local. The federal role thus never has been to sustain the schools, but fill gaps and push mildly in what have seemed to be neglected directions. About half the federal money—some \$6 billion a year—has been aimed since the 1960s at providing so-called compensatory education for lower-income children. The block grant amendment, by Sen. Slade Gordon, would have the effect of converting this into general aid. The requirement that the money be spent on poorer students would be dropped in favor of letting school districts spend it as they “deem appropriate.” That’s more than just a shift to local control; it’s a shift away from a long-standing sensible effort to concentrate the limited federal funds on those in greatest need. Does Congress really want to reverse that policy?

Most other Department of Education programs—though not such popular ones as aid to the disabled—would be bunched in the second block grant. As in most departments, a pretty good case can be made for some such bunching. Some programs are always floating around for which the original rationale was weak or has faded and that are too small to warrant separate administration. But that’s true of only some, not all, of those Mr. Gordon would dispatch. Example: the Senate voted Thursday in favor of a compromise version of the national testing program the president supports—but in voting for the block grant, as Education Secretary Richard Riley observed, “It then voted to eliminate the funding for this purpose.”

Other special-purpose programs in aid of particular groups or in support of reform likewise would disappear, the secretary said, including several the president has touted as evidence of his commitment to education. The president and Democrats generally have made effective political use of the education issue in the past few years. Block-granting would leave them less of a stage from which to do so.

The Gordon amendment would be only for a year, at which point the appropriations bill to which it was attached would lapse, and the issue would have to be fought all over again. That’s another reason why, even if mainly for show, it was the wrong way to do business. Mr. Riley was authorized to say it was “unacceptable” to the administration, meaning presumably that the president would veto the bill if the amendment were to survive in conference. He’d be right to do so.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The Chair would remind Members or caution them not to characterize action of the Senate or to quote from publications which are critical of the Senate.

Mr. OWENS. Mr. Speaker, I am sorry. I did not know that we cannot quote from publications.

The SPEAKER pro tempore. Members are not to characterize action of the Senate in any way, critical or otherwise.

THE YEAR 2000 PROBLEM: CAN IT BE MANAGED?

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 7, 1997, the gentleman from California [Mr. HORN] is recognized for 30 minutes as the designee of the majority leader.

Mr. HORN. Mr. Speaker, as many of my colleagues know, we have a major problem coming up on January 1, the year 2000. It is called the “Year 2000 Problem”, and it relates to our problems with computers that have been programmed going back into the sixties, where we had very little capacity and somebody came up with the bright idea that we could save a few digits here and there by not putting 19 before the year. If it is 1967, let us just put in ‘67 and we can do all our subtraction and addition based on that.

As we near the year and the day of January 1, 2000, we face the problem of thousands and tens of thousands of computers within the Federal Government, throughout the private sector, State government and other parts of society where we will have 00 and the computer will not know whether it is the year 1900 or the year 2000.

Now, this affects millions of people in terms of Federal entitlements, in determining age eligibility, and so this is the second report card that the Subcommittee on Government Management, Information, and Technology, which I chair, has issued. The other one was last year. We first began focusing attention on this matter in April 1996. We urged the administration to focus attention on this problem.

The big problem that year was to get the administration to make an estimate as to what it would cost to make the conversions, where lines of code, some of them placed in computers in the sixties, the seventies, the eighties, and the nineties have to be brought up on the screen. That information has to be looked at, by a technician, who determines: Is this date relevant? If so, should we save it? And if we are going to save it, we need that date to be in 4-digit years, not 2-digit years.

□ 1315

We now have unbelievable capacity in our computers. Many laptops have a storage capacity now that would take a whole room of computers to provide

such storage in the sixties. So this is a solvable problem. But there are no easy answers. If there were, somebody would be a billionaire in solving this problem. So I urge high school students that might watch this to think about how they can fit into helping us solve this crisis, because it is a crisis and it involves not only the Federal systems but State systems, and systems in local governments and the private sector.

When we held our hearings in April 1996, we had experts in computing estimate that this was a \$600 billion worldwide problem. And since half the computers are in the United States, it is a \$300 billion problem for the United States in private and public sectors. The Gartner Group also estimated that the Federal Government had a \$30 billion problem. I thought that was high. But we are not sure. We will know on January 1, 2000.

We asked in the appropriations legislation last year for the submission by the President of the budget it would take to solve this year 2000 problem. The budget for fiscal year 1998 that will end September 30, 1998 and will begin on October 1, 1997, which is just a few weeks away. We asked the administration to give us a recommendation. The recommendation was that it was a \$2.3 billion problem to make the various renovations and conversions of existing computer systems in the executive branch.

I must say I had a hearty laugh when I read that figure. I felt that was so far out of touch with reality that maybe it was not even worth considering. So we held a hearing and we had a number of key experts testify. Obviously, one major user of computers is the Department of Defense. We had the very able Assistant Secretary for Command, Control, Communications, and Intelligence General Emmett Paige, Jr., as a witness. We asked him about the administration figure of \$2.3 billion for the whole executive branch. He smiled and responded that \$1 billion of that \$2.3 billion was his recommendation; and that DOD has not even started to look at the assessment to see what is really there in the thousands of systems that the Department of Defense has responsibility to operate.

So we knew that the administration had not quite done its homework. What we have been pressuring for the last few months is to get a much more solid figure on which Congress could depend.

I have very high regard for the Director of OMB, the Office of Management and Budget. Dr. Franklin Raines is a very able person. He immediately started to get on top of this when he became Director last fall. He is planning to make it a major issue in his budget reviews as the Cabinet departments, independent agencies, and smaller commissions come before the Office of Management and Budget to prepare their recommendations to the President for fiscal year 1999 that will begin October 1, 1998.

Now, with computing, we usually underestimate or overestimate, depending on whether it is money or work. What my colleagues will see here in our chart of our original grades made in 1996 compared with the current grades in 1997. Some went completely backward. Only one agency—the Social Security Administration—received an A, and that was an A-minus at that. Three received B's. One received a B-minus. The rest are in trouble. Almost half the agencies involved, there are 11 D's and F's. Those are failing grades.

Some agencies received worse grades than last year because they made very little progress in terms of renovation of these programs. Last year we were putting the stress on: "Are you planning? Are you organized? Have you faced up to your resources?" This year we are talking about, "Okay, last year was to get you organized for planning and looking at the resources. Now, have you gone far enough to renovate some of your systems and to convert them so there will not be a problem on January 1 of the year 2000."

I will take the responsibility for the actual grades, but my decision was based on an interaction with our fine professional staff in the subcommittee headed by Russell George, the staff director, and a very fine team from the General Accounting Office, which is the legislative branch's financial end program auditors, under Joel Willemssen, the Director of Information Resources Management. And they concur in my conclusions on this.

We have asked the General Accounting Office to look into some of these cases in great depth. And we will continue to do that and depend on them, just as Congress has since they were established in 1921.

Thousands of Government programs must be changed before the 1st of January 2000 or they are going to fail in a series of unpredictable ways. Most of the failures will be very frustrating. Imagine yourself applying for Social Security or Medicare. There is an age relationship between your eligibility and receipt of that check.

And so, the Social Security Administration gets the A-minus here. They had an A last year. They have been working on this problem on their own initiative since 1989, and I commend them for that. The reason they received an A-minus this year is they have not looked into the State portion of their systems on disability and other programs that involve joint State-Federal action through the Social Security Administration. Social Security needs to get to work on those and bring them up to speed as to where they are in terms of year 2000 compliance in their basic database.

But my colleagues can imagine those entitlement programs, be it a student loan or a Social Security check or a Medicare check, a lot of them are date-related. What we have to do is make sure that those agencies that affect human beings solve the problem. There

are millions of people affected by the Social Security Administration. These people must not have a failure of Government service on January 1 of 2000. These are serious problems and not a laughing matter.

Some of the failures will probably be humorous. We had one a few months ago. A delinquency notice was sent on a contract. It said to the vendor that it had been 97 years delinquent. It is because they passed into the 2000 period and instead of giving them a 3-year delinquency, the computer did not know what to do and did what it did. Computers are dumb unless human beings program them.

But these are the kinds of things that can happen. And unfortunately, many of the failures have been disastrous. That is why we are urging the executive branch to get focused on this, and I think Dr. Raines knows what I am talking about, we see eye to eye, that we do not waste a lot of time looking for money up here, that we reprogram money already in the executive branch.

This is the time of year to reprogram. That unspent money is reverting to the Cabinet officers. They are not spending it on some of the authorized programs. They need to put the year 2000 problem as program No. 1 to solve. They need to take those millions that are left in almost every department and independent agency and apply them to the year 2000 program. These agencies must not fall behind schedule.

Some, such as those with especially low grades such as HUD, the Housing and Urban Development Department, the Department of the Interior, Department of Labor, all in the C's and getting down here in the D's

AID is a rather interesting one, the Agency for International Development. We gave them an A last year. They had the planning. They had the resources. They had the focus. And they were getting a new computer system and, by George, they would not have these problems in the year 2000. Lo and behold, they secured the new computer system and then they found it was not year 2000 compliant. It was making the same mistakes. The only difference was it was new. So they have fallen rather far from A to F.

They used to tell the old story in college that the only difference between the A student and the F student is that the F student forgot it before the exam. Well, AID had a little problem here after the exam. Last year they were A on the exam. Now they are on F until they solve the problem.

We know that a lot of programs are going to fail, and we know that Government payments will not be made. And so, our problem is we do not know which programs will fail until there is further assessment by the departments and the independent agencies.

Waiting for a disaster is frankly not my style of governance or management. All Congress can do is to provide oversight. We can goad and prod those that are legally responsible in the executive branch to keep moving.

Management should be active, not passive. The President needs to appoint an individual who will step up to the plate and directly address the Nation's Year 2000 computer problems, starting with the executive branch. The American people deserve nothing less.

Last year's agencies could achieve a good grade by having a complete set of plans. That was last year. This year plans are not enough, as I have suggested in the other examples. Action is what is required.

On the average, only 20 percent of the fixes have been made and only 14 percent tested to see that the fix actually works. When we held our hearing after the administration's \$2.3 billion budget recommendation in February. It was clear that too many had not even looked at the extent of the problem.

I cited the Defense example: \$1 billion of the \$2.3 billion. It was a figure out of the air. Now the administration has recommended that the cost is going to be a little higher now. Now it is \$3.8 billion. But that plan did not make sense either. One gap was the plan to implement and test for some agencies in the same year, 1999.

Now, anyone who has worked with computer systems, and I have, knows that what they tell us is usually not what occurs. I will not compare it to used car salesmen, but there is some of that there. They always overestimate. The Government needs time to make sure that after the assessment, after the renovation, that there is an operating evaluation.

I learned long ago, and I have said this many times, that I do not want to be the alpha site, or the first site, on a new computer; I want to be the beta site, or the second site, on a computer system where someone else has worked out all the bugs and they do not have to be worked out on my watch or my beat, to use the analogy of the Navy and the police.

So the administration believed last February it was a \$2.3 billion problem. Our hearing showed that the estimate was not in touch with reality. They now estimate the cost to \$3.8 billion. That figure is also unrealistic.

Another factor must be considered: Scarce human resources. As we near January 1, 2000, the cost of human resources to fix the problem will rise dramatically. It is not simply a matter of do we have enough time in the year 1999 before we face January 1, 2000. The problem is, the slower we go now, the faster we will have to be in 1999. Our costs will also rise.

The simple answer is that it takes human resources to sit in front of that computer screen, pull up the existing database and deal with it in a new format or get rid of it if we do not need it. That takes people, and those people are going to have higher and higher wages as we get down to crunch day.

The executive branch, the President, cannot issue an executive order to move January 1, 2000. It is going to happen. What they need to do is get

their act together in terms of management. In his last appearance before our Subcommittee on Government Management, I asked the very able and distinguished Deputy Director for Management, "How many people in the Office of Management and Budget give any attention to management?" And he said right away, "Oh, 540."

Well, that is nonsense. That is the total number of personnel in the Office of Management and Budget. The fact is that if they have 20 employees focused on strictly management problems, I would be amazed. But former administrations had that number or so back under President Truman, President Eisenhower, President Kennedy, President Johnson. They had a first rate management staff in what was then the Bureau of the Budget. That staff could advise Cabinet officers how to solve some of these problems, and that is what we need now.

Our committee will be suggesting down the line that we create an Office of Management whose Director will report to the President or an individual the President delegates within the Executive Office of the President. Right now we have a first rate budget Director who has an interest in management questions. That is not enough.

We have a \$5.3, \$5.4 trillion national debt and we have a budget that for the first time since 1969 will be balanced thanks to the work of Congress and the agreement of the President. We have a budget that should zero out in 2002 and some even think it might zero out in 1999. The Director of OMB has a full load of budget problems. The President needs an office where a first rate staff can advise on management problems.

□ 1330

The year 2000 problem is not a technical problem. It should not be a money problem. The director is right. Let us reprogram existing money at the end of the fiscal year. We need senior management direction in these Cabinet departments to make the decision to free up resources so that the job will be done.

The year 2000 problem is a crucial problem. It is a management problem. It needs attention at the highest level of the executive branch. We wrote the President a few months ago. He is a great communicator. We urged him to use some of that skill and to make people aware that this is a serious problem. The citizenry needs to be assured that the executive branch will do its work in a timely way.

If this problem does not have the attention at the highest level of the executive branch, many of our fellow citizens will be adversely affected. The costs are going to be rising, because skilled personnel to do this will demand more for their services. They will be in demand by State governments, by corporations, by investment houses, by local governments, among others.

While the President and the Vice President promise computer marvels to

come in the 21st century, the American taxpayer needs today's Federal computers fixed before they come crashing down in the near future, which is actually only 838 days away. The clock is ticking.

Despite it all, I am still hopeful. It is within the power of every agency listed here to earn an A next year. I grade on an absolute. I do not grade on the curve. I never have. You either all get A's, or you all get F's.

Now you can see that we have a real problem here in the executive branch. Here is where the C's start, which is a D plus. Here is where the D's start: Commerce, Energy, Justice, National Regulatory Commission, Office of Personnel Management, Agriculture, National Aeronautics and Space Administration, Treasury.

Then you get down to the F's. I mentioned the Agency for International Development, Department of Transportation, Education. As a former university president and professor, it anguishes me to see Education down in the F's. We gave them a B last year for their planning.

I mentioned the Department of Transportation, two very fine Secretaries in the last few years, Secretary Peña, Secretary Slater. Interestingly enough and unbeknownst to all Secretaries, the Federal Highway Administration, within the Department of Transportation, had discovered this problem the same time that Social Security did, back in 1989. But it apparently never percolated up the communications management network of the Department of Transportation so it could get to the desk of the Secretary or the Deputy Secretary or the Under Secretary, the people who are responsible at the top management level in the Department. They were working on it, but the executive staff did not know it. They did not even know it last year. And we found out by accident that this had happened. I do not know that they have continued it, but I am told they had one marvelous person that recognized the problem and started working on it. That is what Social Security did. They took their own initiative.

Well, we have had the two showings of initiative now. Now what we need is systematic daily concentration to get the job done. The President needs to appoint someone that can devote executive efforts full time. It is not someone in OMB who has a million other things to do, such as regulatory affairs, for example, or many other assignments. This issue needs full-time attention until the job is done.

Mr. Speaker, I think we should take this very seriously in all the relevant authorization committees of the House, the various appropriation subcommittees. The subcommittee of the gentleman from Arizona [Mr. KOLBE] has done a fine job in demanding that the administration produce a realistic budget in this area. As I have suggested the first administration budget was not realistic. The second budget is

about as dubious. But I am encouraged that Director Raines will systematically go through the department, agency, and commission budgets this fall and view how they are handling the year 2000 problem so he can make recommendations to the President for the budget he will submit to us in February 1998.

It is a serious problem. It needs focus. It needs people talking about it. It needs every employer in America, public and private, asking their top staff the question: Are we 2000-year-compliant? If they are not compliant, then they need to pitch in and help solve the problem. These systems will not be able to interact with each other without being fixed. If they are not fixed, they could pollute those systems which have been fixed.

So what we have here is a bug, a virus, call it what you will, that can really create chaos throughout integrated computer systems. Our Subcommittee on Government Management, the Subcommittee on Technology of Science, and the Subcommittee on General Government Appropriation and this House have shown that we are determined to do something about this problem. We urge the executive branch to do the same.

Mr. Speaker, I include the following material for the RECORD:

REPORT CARD, YEAR 2000 PROGRESS FOR MISSION CRITICAL SYSTEMS OF FEDERAL DEPARTMENTS AND AGENCIES

Agency	1996	1997	1998	1999	2000 Final exam
SSA (Social Security Administration) ...	A	A-			
GSA (General Services Administration) ¹ ...	D	B			
NSF (National Science Foundation) ¹ ...	C	B			
SBA (Small Business Administration) ...	A	B			
HHS (Department of Health and Human Services) ¹ ...	D	B-			
EPA (Environmental Protection Agency) ¹ ...	D	C			
FEMA (Federal Emergency Management Agency) ¹ ...	F	C			
HUD (Department of Housing and Urban Development) ¹ ...	D	C			
Interior (Department of the Interior) ¹ ...	D	C			
Labor (Department of Labor) ¹	F	C			
State (Department of State)	B	C			
VA (Department of Veterans Affairs) ¹ ...	D	C			
DOD (Department of Defense)	C	C-			
Commerce (Department of Commerce) ...	D	D			
DOE (Department of Energy) ¹	F	D			
Justice (Department of Justice)	D	D			
NRC (Nuclear Regulatory Commission) ...	B	D			
OPM (Office of Personnel Management) ...	A	D			
Agriculture (Department of Agriculture) ...	D	D-			
NASA (National Aeronautics and Space Administration) ...	D	D-			
Treasury (Department of the Treasury) ...	C	D-			
AID (Agency for International Development) ...	A	F			
DOT (Department of Transportation) ...	F	F			
Education (Department of Education) ...	B	F			
State Governments (State Governments) ...	?	?			
Local Governments (Local Governments) ...	?	?			

¹ Improved from last grading period.

Prepared for Subcommittee Chairman Stephen Horn.
Subcommittee on Government Management, Information, and Technology.
Subcommittee Home Page on the Internet: <http://www.house.gov/reform/gmhtml>, September 15, 1997.

SOCIAL SECURITY: A minus The negative grade resulted from concerns that certain systems which process State disability claims may be susceptible to Year 2000 problems.

GSA: B This is a big improvement from its "D" grade last year. It's based on the percentage of renovation, testing and implementation completed.

NSF: B Based on renovation and testing completed. An increase from last year's "C."

SBA: B It went from "A" to a "B" based on its percentage of renovation, testing and implementation.

HHS: B minus It moved up from a "D" based on its renovation percentage. [GAO has more information in its summary]

EPA: C It missed the assessment deadline, but moved up from a "D" last year due to the percentage of renovation and testing completed.

FEMA: C Missed assessment deadline, has shown weakness in the renovation percentage. It improved from an "F" last year.

HUD: C It is lacking in both renovation and testing percentages.

INTERIOR: C It improved from a "D" based on renovation reported, however, it has conducted no testing.

LABOR: C It improved from an "F" but is lacking in renovation and testing.

STATE: C Its grade was reduced from a "B" due to its poor renovation and testing percents.

VETERANS: C Improved from its "D" grade, the agency has not completed its assessment.

DEFENSE: C minus DOD has half of the Federal Government's computer systems, and has not completed the assessment phase. [GAO summary provides greater detail] Last year "C."

COMMERCE: D Failed to complete assessment, poor renovation and testing percentages. Last year it received the same grade.

ENERGY: D Failed to complete assessment, poor renovation and testing percentages. It received an "F" last year. [GAO has more information in its summary]

JUSTICE: D Very poor renovation and testing percentages. Same grade last year.

NUCLEAR REGULATORY: D It dropped from a "B" due to zero renovation and testing.

OPM: D One of the biggest declines in grades ("A" last year) due to poor renovation and no testing.

AGRICULTURE: D minus Failed to complete assessment, poor renovation and testing percentages.

NASA: D minus Has not completed its assessment and has poor renovation and testing percentages.

TREASURY: D minus Failed to complete its assessment and has poor renovation and testing percentages. [See GAO's summary for additional information]

AID: F The most dramatic drop, (it received an "A" last year) is because the new system they adopted has Year 2000 problems despite statements made last year by AID that the new system would be Year 2000 complaint.

TRANSPORTATION: F For the second year in a row, it receives an F. This is due to its failure to complete its assessment, with no renovation, testing or implementation. [GAO has more information in its summary]

EDUCATION: F Dropped from a "B" due to its failing to complete its assessment and conducting no renovation, testing, or implementation.

YEAR 2000 PROGRESS FOR MISSION CRITICAL SYSTEMS OF FEDERAL DEPARTMENTS AND AGENCIES

Assessment completed Yes/No	In percent		Any imple- men- ta- tion Yes/No	Grade	
	Ren- ova- tion com- pleted	Test- ing com- pleted			
SSA (Social Security Administration).	Yes	78	67	Yes	A-

YEAR 2000 PROGRESS FOR MISSION CRITICAL SYSTEMS OF FEDERAL DEPARTMENTS AND AGENCIES—Continued

Assessment completed Yes/No	In percent		Any imple- men- ta- tion Yes/No	Grade	
	Ren- ova- tion com- pleted	Test- ing com- pleted			
GSA (General Services Administration).	Yes	35	26	Yes	B
NSF (National Science Foundation).	Yes	33	25	No	B
SBA (Small Business Administration).	Yes	35	35	Yes	B
HHS (Department of Health and Human Services).	Yes	28	10	Yes	B-
EPA (Environmental Protection Agency).	No	33	28	Yes	C
FEMA (Federal Emergency Management Agency).	No	35	35	Yes	C
HUD (Department of Housing and Urban Development).	Yes	9	2	Yes	C
Interior (Department of the Interior).	Yes	43	0	No	C
Labor (Department of Labor).	Yes	15	11	Yes	C
State (Department of State).	Yes	25	0	No	C
VA (Department of Veterans Affairs).	No	51	28	Yes	C
DOD (Department of Defense).	No	40	34	Yes	C-
Commerce (Department of Commerce).	No	15	6	Yes	D
DOE (Department of Energy).	No	10	10	Yes	D
Justice (Department of Justice).	Yes	1	1	No	D
NRC (Nuclear Regulatory Commission).	Yes	0	0	No	D
OPM (Office of Personnel Management).	Yes	3	0	No	D
Agriculture (Department of Agriculture).	No	8	4	Yes	D-
NASA (National Aeronautics and Space Administration).	No	8	7	Yes	D-
Treasury (Department of the Treasury).	No	6	5	Yes	D-
AID (Agency for International Development).	No	N/A	N/A	N/A	F
DOT (Department of Transportation).	No	0	0	No	F
Education (Department of Education).	No	0	0	No	F

Notes: The grades are based on percentages reported by departments and agencies for four categories: Assessment, Renovation, Testing, and Implementation. The departments and agencies are responsible for the accuracy and consistency of percentages reported.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. UNDERWOOD) to revise and extend their remarks and include extraneous material:)

Mr. JONES, for 5 minutes each day, on September 16, 17, and 18.

Mr. DIAZ-BALART, for 5 minutes, on September 16.

Mr. UNDERWOOD, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. UNDERWOOD) and to include extraneous matter:)

Mr. GORDON.

Ms. JACKSON-LEE of Texas.

Mr. CRAPO.

Ms. ROS-LEHTINEN.

(The following Members (at the request of Mr. HORN) and to include extraneous matter:)

Mr. PETRI.

Mr. SANDERS.

ADJOURNMENT

Mr. HORN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 16, 1997, at 10:30 a.m. for morning hour debates.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,

Washington, DC, September 5, 1997.

Honorable NEWT GINGRICH,

Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 304 of the Congressional Accountability Act of 1995, 2 U.S.C. §1384(b)(1), (e), I am transmitting on behalf of the Board of Directors the enclosed notice of proposed rulemaking (proposing amendments to regulations previously adopted by the Board) for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely yours,

GLEN D. NAGER,
Chair of the Board.

Enclosure.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Extension of Rights and Protections Under the Employee Polygraph Protection Act of 1988, the Worker Adjustment and Retraining Notification Act, and the Occupational Safety and Health Act of 1970

NOTICE OF PROPOSED RULEMAKING

Summary: The Board of Directors ("Board") of the Office of Compliance is publishing proposed amendments to its regulations implementing sections 204, 205, and 215 of the Congressional Accountability Act of 1995 ("CAA" or the "Act"), 2 U.S.C. §§1314, 1315, 1341. The CAA applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch. Section 204 applies rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"), section 205 applies rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act"), and section 215 applies rights and protections of the Occupational Safety and Health Act of 1970 ("OSHAct"). These sections of the CAA will go into effect with respect to the General Accounting Office ("GAO") and the Library of Congress (the "Library") on December 30, 1997, and this Notice of Proposed Rulemaking ("NPRM") proposes to amend the Board's regulations implementing these sections to extend the coverage of the regulations to include GAO and the Library. Several typographical and other minor corrections and changes are also being made to the regulations being amended.

The regulations under section 204, 205, and 215 were adopted in three virtually identical versions, one that applies to the Senate and employees of the Senate, one that applies to the House of Representatives and employees of the House, and one that applies to other covered employees and employing offices. This NPRM proposes that identical amendments be made to the three versions of the regulations. The proposal to amend the regulations that apply to the Senate and its employees is the recommendation of the Office

of Compliance's Deputy Executive Director for the Senate, the proposal to amend the regulations that apply to the House and its employees is the recommendation of the Office of Compliance's Deputy Executive Director for the House of Representatives, and the proposal to amend the regulations that apply to other employing offices and their employees is the recommendation of the Executive Director of the Office of Compliance.

Dates: Comments are due within 30 days after the date of publication of this NPRM in the Congressional Record.

Addresses: Submit comments in writing (an original and 10 copies) to the Chair of the Board of Directors, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540-1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 426-1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Executive Director, Office of Compliance, at (202) 724-9250 (voice), (202) 426-1912 (TTY). This Notice is also available in the following formats: large print and braille. Requests for this notice in large print or braille should be made to Mr. Russell Jackson, Director, Services Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, at (202) 224-2705 (voice), (202) 224-5574 (TTY).

SUPPLEMENTARY INFORMATION:

1. Background and purpose of this Rulemaking

The Congressional Accountability Act of 1995 ("CAA" or the "Act"), Pub. L. 104-1, 109 Stat. 3, 2 U.S.C. §§1301-1438, was enacted on January 23, 1995. The CAA applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch.

Sections 204, 205, and 215 apply three of these laws. Section 204 of the CAA, 2 U.S.C. §1314, applies the rights and protections under the Employee Polygraph Protection Act of 1988 ("EPPA"), by providing generally that no employing office may require a covered employee to take a lie detector test where such a test would be prohibited if required by an employer under paragraph (1), (2), or (3) of section 3 of the EPPA, 29 U.S.C. §2002(1), (2), (3). Section 205 of the CAA, 2 U.S.C. §1315, applies the rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act"), by providing generally that no employing office shall be closed or a mass layoff ordered within the meaning of section 3 of the WARN Act, 29 U.S.C. §2102, until 60 days after the employing office has provided written notice to covered employees. Section 215 of the CAA, 2 U.S.C. §1341, applies the rights and protections of section 5 of the Occupational Safety and Health Act of 1970 ("OSHAct"), by providing generally that each employing office and each covered employee must comply with the provisions of section 5 of the OSHAct, 29 U.S.C. §654.

For most covered employees and employing offices, sections 204 and 205 became effective on January 23, 1996, and section 215 became effective on January 1, 1997. However, "with respect to the General Accounting Office and the Library of Congress," the CAA provides that sections 204, 205, and 215 "shall be effective * * * 1 year after transmission to the Congress of the study under section 230." Sections 204(d)(2), 205(d)(2), 215(g)(2) of the

CAA, 2 U.S.C. §§1314(d)(2), 1315(d)(2), 1341(g)(2). This "study under section 230" is a study of the application of certain laws, regulations, and procedures at the General Accounting Office ("GAO"), the Government Printing Office ("GPO"), and the Library of Congress ("Library"), which the Board was directed to undertake by section 230 of the CAA, as amended, 2 U.S.C. §1371. The Board transmitted the completed study to Congress on December 30, 1996, and sections 204, 205, and 215 will therefore become effective with respect to GAO and the Library on December 30, 1997.¹

The CAA requires that the Board adopt regulations to implement sections 204, 205, and 215, and further requires that these regulations be the same as the substantive regulations promulgated by the Secretary of Labor to implement the provisions of applicable statute, except if the Board determines, for good cause shown, that a modification would be more effective for the implementation of the rights and protections under these sections. 2 U.S.C. §§1314(c), 1315(c), 1341(d). The Board has adopted regulations implementing these sections with respect to employing offices other than GAO and the Library, and the purpose of this rulemaking is to adopt regulations implementing these sections with respect to GAO and the Library as well.

2. Record of Earlier Rulemakings

To avoid duplication of effort in proposing and adopting regulations with respect to GAO and the Library, the Board plans to rely, in part, on the record of its earlier rulemakings. The regulations implementing sections 204 and 205 of the CAA were proposed, adopted, and issued during the latter part of 1995 and the first part of 1996, and, during that period, the Board solicited comment and explained the basis and purpose of the regulations in several notices published in the CONGRESSIONAL RECORD. On September 28, 1995, the Board published an Advance Notice of Proposed Rulemaking ("ANPRM"), in which the Board solicited comments before promulgating proposed rules under several sections of the CAA, including sections 204 and 205. 141 CONG. REC. S14542-44 (daily ed. Sept. 28, 1995). On November 28, 1995, the Board issued NPRMs proposing regulations under sections 204 and 205, among others, 141 CONG. REC. S17652-64 (daily ed. Nov. 28, 1995), and on January 22, 1996, the Board published Notices of Adoption of Regulation and Submission for Approval and Issuance of Interim Regulations under these sections, 142 CONG. REC. S262-74 (daily ed. Jan. 22, 1996). The Board also proposed and adopted separate regulations, pursuant to section 204(a)(3) of the CAA, authorizing the Capitol Police to use lie detector tests. 141 CONG. REC. S14544-45 (daily ed. Sept. 28, 1995) (NPRM); 142 CONG. REC. S260-62 (daily ed. Jan. 22, 1996) (Notice of Adoption, etc.). The adopted regulations were then approved by Congress, and, on April 23, 1996, the Board's Notices of Issuance of Final Regulations were published in the CONGRESSIONAL RECORD setting forth the text of the final regulations implementing several CAA sections, including 204 and 205. 142 CONG. REC. S3917-24, S3948-52 (daily ed. Apr. 23, 1996).

The Board published proposed regulations to implement section 215 on September 19, 1996, 142 CONG. REC. H10711-19 (daily ed. Sept.

19, 1996), and published its Notice of Adoption and Submission for Approval for these regulations on January 7, 1997, 143 CONG. REC. S61-70 (Jan. 7, 1997). The House and Senate have not yet approved this section 215 regulations, and, accordingly, these regulations have not yet been issued.²

3. Proposed Amendments

The Board is presently aware of no reason why the regulations to be adopted under section 204, 205, or 215 for GAO and the Library and their employees should be separate or substantively different from the regulations already adopted for other employing offices and their employees. The Board therefore proposes in this NPRM to expand the coverage of the regulations already adopted under sections 204, 205, and 215 to include GAO and the Library and their employees, and to make no other substantive change to the regulations.

a. Regulations Under Section 204—Rights and Protections Under the Employee Polygraph Protection Act of 1988

The Board's two regulations implementing section 204 of the CAA—i.e., the exclusion for employees of the Capitol Police, and the regulations covering all other employing offices except GAO and the Library—were issued in final form and published in the April 23, 1996 issue of the Congressional Record, 142 CONG. REC. S3917-24 (Apr. 23, 1996). In the regulations for employing offices other than the Capitol Police, the scope of coverage is established by the definitions of "covered employee" in section 1.2(c) and "employing office" in section 1.2(i). The Board proposes to amend these regulations by adding any employee of GAO or the Library to the definition of "covered employee," and by adding GAO and the Library to the definition of "employing office."

b. Regulations under Section 205—Rights and Protections Under the Worker Adjustment and Retraining Notification Act

Regulations implementing section 205 for employing offices other than GAO and the Library were issued in final form and published in the April 23, 1996 issue of the Congressional Record, 142 CONG. REC. S3949-52 (Apr. 23, 1996). The scope of coverage of these regulations is established by the definition of "employing office" in section 639.3(a)(1). As presently drafted, the definition in section 639(a)(1) incorporates by reference the definition of "employing office" in section 101(9) of the CAA, 2 U.S.C. §1301(9), which includes all covered employees and employing offices other than GAO and the Library. The Board proposes to amend these regulations by adding to the definition of "employing office" a reference to section 205(a)(2) of the CAA, which, for purposes of section 205, adds GAO and the Library to the definition of "employing office."

c. Regulations under Section 215—Rights and Protections Under the Occupational Safety and Health Act of 1970

Regulations implementing section 215 for employing offices other than GAO and the Library were adopted by the Board and published in the January 7, 1997 issue of the Congressional Record, 143 CONG. REC. S61-70 (Jan. 7, 1997). The scope of coverage of these

¹ The study under section 230, as well as copies of the December 30, 1996 letters from the Board transmitting the study to Congress, are available for inspection in the Law Library Reading Room, at the address and times stated at the beginning of this Notice. The study may also be viewed on the Office of Compliance's Internet web site at either <http://www.compliance.gov/230.html> or <http://www.access.gpo.gov/compliance/230.html>.

² Although the Board's regulations implementing section 215 have not yet been issued, section 411 of the CAA provides that, in proceedings to enforce most provisions of the CAA, including section 215, "if the Board has not issued a regulation on a matter for which this Act requires a regulation to be issued, the hearing officer, Board, or court, as the case may be, shall apply, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding." 2 U.S.C. §1411.

regulations is established by the definition of "covered employee" in section 1.102(c), the definition of "employing office" in section 1.102(i), and a listing in both sections 1.102(j) and 1.103 of entities that, pursuant to the regulations, are included as employing offices if responsible for correcting a violation of section 215 of the CAA. The Board proposes to amend these regulations by adding any employee of GAO or of the Library to the definition of "covered employee," and by adding GAO and the Library to the definition of "employing office" and to the entities listed in sections 1.102(j) and 1.103 that can be included as employing offices.

In addition to the proposed changes described above, several typographical and other minor corrections are being made to the regulations being amended, including a few corrections and changes to the list of Department of Labor's regulations under the OSHA Act that are incorporated by reference into the regulations adopted by the Board under section 215 of the CAA.³

4. Request for Comment

The Board invites comment on these proposed amendments generally, and invites comment specifically on whether there is any reason why the regulations to be adopted under section 204, 205, or 215 for GAO and the Library and their employees should be separate or substantively different from the regulations already adopted for other employing offices and their employees.

Recommended method of approval. The Board proposes that it will adopt three identical versions of the amendments and recommends: (1) that the version amending the regulations that apply to the Senate and employees of the Senate be approved by the Senate by resolution, (2) that the version amending the regulations that apply to the House of Representatives and employees of the House of Representatives be approved by the House by resolution, and (3) that the version amending the regulations that apply to other covered employees and employing offices be approved by the Congress by concurrent resolution.

The Board expects to adopt the amendments and to submit them to the House and Senate for approval by three separate documents, one for the amendments under section 204 of the CAA, one for the amendments

under section 205, and one for the amendments under section 215. This procedure will enable the House and Senate to consider and act on the amendments under sections 204, 205, and 215 separately, if the House and Senate so choose. The Board's regulations under section 215 have not yet been approved by the House and Senate, and, if the regulations remain unapproved when the Board adopts the amendments under section 215, the Board recommends that the House and Senate approve those amendments together with the regulations.

Signed at Washington, D.C., on this ____ day of _____, 1997.

GLEN D. NAGER,
Chair of the Board,
Office of Compliance.

Accordingly, the Board of Directors of the Office of Compliance hereby proposes the following amendments to its regulations:

AMENDMENTS TO REGULATIONS UNDER SECTION 204 OF THE CAA—APPLICATION OF RIGHTS AND PROTECTIONS OF THE EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988

It is proposed that the regulations implementing section 204 of the CAA, issued by publication in the Congressional Record on April 23, 1996 at 142 CONG. REC. S3917-3924 (daily ed. Apr. 23, 1996), be amended by revising section 1.2(c) and the first sentence of section 1.2(i) to read as follows:

"Sec. 1.2 Definitions

"(c) The term *covered employee* means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Service; (4) the Congressional Budget Office; (5) the Office of the Architect of the Capitol; (6) the Office of the Attending Physician; (7) the Office of Compliance; (8) the General Accounting Office; or (9) the Library of Congress.

"(i) The term *employing office* means (1) the personal office of a Member of the House of Representatives or of a Senator; (2) a committee of the House of Representatives or the Senate or a joint committee; (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; (4) the Capitol Guide Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; (5) the General Accounting Office; or (6) the Library of Congress. * * *"

AMENDMENTS TO REGULATIONS UNDER SECTION 205 OF THE CAA—APPLICATION OF RIGHTS AND PROTECTIONS OF THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

It is proposed that the regulations implementing section 205 of the CAA, issued by publication in the Congressional Record on April 23, 1996 at 142 CONG. REC. S3949-52 (daily ed. Apr. 23, 1996) be amended by revising the title at the beginning of the regulations, and the introductory text of the first sentence of section 639.3(a)(1), to read as follows:

"APPLICATION OF RIGHTS AND PROTECTIONS OF THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

"§639.3 Definitions.

"(a) *Employing office*. (1) the term "employing office" means any of the entities listed in section 101(9) of the CAA, 2 U.S.C. §1301(9), and either of the entities included in the definition of "employing office" by section 205(a)(2) of the CAA, 2 U.S.C. §1315(a)(2), that employs—

"(i) * * *".

AMENDMENTS TO REGULATIONS UNDER SECTION 215 OF THE CAA—APPLICATION OF RIGHTS AND PROTECTIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

It is proposed that the regulations implementing section 215 of the CAA, adopted and published in the Congressional Record on January 7, 1997 at 143 CONG. REC. S61, 66-69 (daily ed. Jan. 7, 1997), be amended as follows:

1. Extension of coverage.—By revising sections 1.102(c), (i), and (j) and 1.103 to read as follows:

"§1.102 Definitions.

"(c) The term *covered employee* means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Service; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Office of Compliance; (9) the General Accounting Office; and (10) the Library of Congress.

"(i) The term *employing office* means: (1) the personal office of a Member of the House of Representatives or of a Senator; (2) a committee of the House of Representatives or the Senate or a joint committee; (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; (4) the Capitol Guide Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; (5) the General Accounting Office; or (6) the Library of Congress."

"(j) The term *employing office* includes any of the following entities that is responsible for the correction of a violation of section 215 of the CAA (as determined under section 1.106), irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such violation occurs: (1) each office of the Senate, including each office of a Senator and each committee; (2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee; (3) each joint committee of the Congress; (4) the Capitol Guide Service; (5) the Capitol Police; (6) the Congressional Budget Office; (7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden); (8) the Office of the Attending Physician; (9) the Office of Compliance; (10) the General Accounting Office; and (11) the Library of Congress.

"§1.103 Coverage.

"The coverage of Section 215 of the CAA extends to any "covered employee." It also extends to any "covered employing office," which includes any of the following entities that is responsible for the correction of a violation of section 215 (as determined under section 1.106), irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs:

"(1) each office of the Senate, including each office of a Senator and each committee; "(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

³In the regulations implementing section 204 of the CAA, in the definitions of "employing office" and "covered employee" in sections 1.2(c) and (i), the references to the Office of Technology Assessment ("OTA") and to employees of OTA are being removed, as OTA no longer exists. In the regulations implementing section 205 of the CAA, the title at the beginning of the regulations is being corrected. In the regulations implementing section 215 of the CAA, in the definition of "employing office" in section 1.102(i), "the Senate" is stricken from clause (1) and "of a Senator" is inserted instead, and "or a joint committee" is stricken from that clause, for conformity with the text of section 101(9)(A) of the CAA, 2 U.S.C. §1301(9)(A). In section 1.102(j) of those regulations, "a violation of this section" is stricken and "a violation of section 215 of the CAA (as determined under section 1.106)" is inserted instead, for consistency with the language in section 1.103 of the regulations. Furthermore, in Appendix A to Part 1900 of the regulations, several editorial and technical errors are being corrected in the cross-references to the Secretary of Labor's regulations under the OSHA Act and recent changes in the Secretary's regulations are being incorporated. These corrections comport with the Board's stated intention to incorporate by reference the Labor Secretary's substantive regulations in effect at the time the Board approved the regulations under section 215 of the CAA, and to update the list of incorporated regulations when necessitated by the Secretary's changes to those regulations. See 142 CONG. REC. H10711, H10715 (daily ed. Sept. 19, 1996) (NPRM under section 215); section 1900.1(c) of the Board's regulations under section 215, 143 CONG. REC. S61, S67 (daily ed. Jan. 7, 1997).

"(3) each joint committee of the Congress;
 "(4) the Capitol Guide Service;
 "(5) the Capitol Police;
 "(6) the Congressional Budget Office;
 "(7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);
 "(8) the Office of the Attending Physician;
 "(9) the Office of Compliance;
 "(10) the General Accounting Office; and
 "(11) the Library of Congress."

2. Corrections to cross-reference.—By making the following amendments in Appendix A to Part 1900, which is entitled "References to Sections of Part 1910, 29 CFR, Adopted as Occupational Safety and Health Standards Under Section 215(d) of the CAA":

(a) After "1910.1050 Methylenedianiline." insert the following:

"1910.1051 1,3-Butadiene.
 "1910.1052 Methylene chloride."

(b) Strike "1926.63—Cadmium (This standard has been redesignated as 1926.1127)." and insert instead the following:

"1926.63 [Reserved]".

(c) Strike "Subpart L—Scaffolding", "1926.450 [Reserved]", "1926.451 Scaffolding.", "1926.452 Guardrails, handrails, and covers.", and "1926.453 Manually propelled mobile ladder stands and scaffolds (towers)." and insert instead the following:

"Subpart L—Scaffolds

"1926.450 Scope, application, and definitions applicable to this subpart.

"1926.451 General requirements.

"1926.452 Additional requirements applicable to specific types of scaffolds.

"1926.453 Aerial lifts.

"1926.454 Training."

(d) Strike "1926.556 Aerial lifts."

(d) Strike "1926.753 Safety Nets."

(f) Strike "Appendix A to Part 1926—Designations for General Industry Standards" and insert instead the following:

"APPENDIX A TO PART 1926—DESIGNATIONS FOR GENERAL INDUSTRY STANDARDS INCORPORATED INTO BODY OF CONSTRUCTION STANDARDS".

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5027. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the Tennessee Valley Marketing Area; Termination of the Order [DA-97-09] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5028. A letter from the Administrator, Agricultural Marketing Services, transmitting the Service's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Florida Red Seedless Grapefruit [Docket No. FV97-905-1 IFR] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5029. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Oriental Fruit Fly; Designation of Quarantined Area [Docket No. 97-073-2] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5030. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mediterranean Fruit Fly; Additions to Quarantined Areas and Treat-

ments [Docket No. 97-056-5] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5031. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to improve the safety net for agricultural producers; to the Committee on Agriculture.

5032. A letter from the the Director, the Office of Management and Budget, transmitting the Mid-Session Review of the 1998 Budget, pursuant to 31 U.S.C. 1106(a); (H. Doc. No. 105-129); to the Committee on Appropriations and ordered to be printed.

5033. A letter from the the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of September 1, 1997, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 105-128); to the Committee on Appropriations and ordered to be printed.

5034. A letter from the Acting Under Secretary, Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act by the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5035. A letter from the Director, Washington Headquarters Services, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Health Promotion and Disease Prevention Visits and Immunizations [DoD 6010.8-R] (RIN: 0720-AA33) received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

5036. A letter from the Board of Governors, Federal Reserve System, transmitting the Board's final rule—Collection of Checks and Other Items by Federal Reserve Banks and Funds Transfers Through Fedwire [Regulation J; Docket No. R-0972] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5037. A letter from the Assistant Secretary, Department of Defense, transmitting the Department of Defense Education Activity (DoDEA) Accountability Report and the Accountability Profiles for the Department of Defense Dependents Schools, pursuant to 20 U.S.C. 924; to the Committee on Education and the Workforce.

5038. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting the annual report of the Office of Juvenile Justice and Delinquency Prevention for Fiscal Year 1996, pursuant to 42 U.S.C. 5617; to the Committee on Education and the Workforce.

5039. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5040. A letter from the Secretary of Education, transmitting a draft of proposed legislation to authorize the National Assessment Governing Board to develop policy for voluntary national tests in reading and mathematics; to the Committee on Education and the Workforce.

5041. A letter from the Secretary of Agriculture, transmitting the annual Horse Protection Enforcement Report for fiscal year 1996, pursuant to 15 U.S.C. 1830; to the Committee on Commerce.

5042. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Consumer Information Regulations, Uniform Tire Quality Grading Standards (National Highway Traf-

fic Safety Administration) [Docket No. 94-30, Notice] (RIN: 2127-AF17) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5043. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designation Facilities and Pollutants: Oregon; Correction [OR-1-0001; FRL-5891-5] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5044. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Texas: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-5892-1] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5045. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans: State of Washington [WA 13-6-6121; WA 55-7130; and WA 57-7132; FRL-5889-5] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5046. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Northern Sierra Air Quality Management District [CA 185-0047a; FRL-5888-8] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5047. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District [CA 167-0036a; FRL-5888-6] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5048. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan, South Carolina: Listing of Exempt Volatile Organic Compounds [SC31-1-9646a; FRL-5874-9] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5049. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Direct Final Rule Amending the Test Procedures for Heavy-Duty Engines, and Light-Duty Vehicles and Trucks and the Amending of Emission Standard Provisions for Gaseous Fueled Vehicles and Engines [FRL-5881-3] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5050. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Georgetown and Garden City, South Carolina) [MM Docket No. 96-196, RM-8878] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5051. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bainbridge,

Georgia) [MM Docket No. 96-253, RM-8962] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5052. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—National Environmental Policy Act; Revision of Policies and Procedures; Correction [Docket No. 96N-0057] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5053. A communication from the President of the United States, transmitting the annual report on authorized U.S. commercial exports, military assistance and foreign military sales and military imports for fiscal year 1996, pursuant to Public Law 104-106, section 1324(c) (110 Stat. 481); to the Committee on International Relations.

5054. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5055. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Privacy Program [32 CFR Part 311] received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5056. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to extend the Federal physicians comparability allowance authority; to the Committee on Government Reform and Oversight.

5057. A letter from the Chairman, Railroad Retirement Board, transmitting a letter providing observations of numerous errors and misrepresentations in the Inspector General of the Railroad Retirement Board's semi-annual report for the period October 1, 1996 through March 31, 1997; to the Committee on Government Reform and Oversight.

5058. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Western Regulatory Area of the Gulf of Alaska [Docket No. 961126334-7052-02; I.D. 090597B] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5059. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 961126334-7025-02; I.D. 090597A] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5060. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Connecticut [Docket No. 961210346-7035-02; I.D. 090897B] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5061. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico [Docket No. 970903225-7225-01; I.D. 081297G] received September 12, 1997,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5062. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting a draft of proposed legislation to repeal section 808 of the Antiterrorism and Effective Death Penalty Act of 1996; to the Committee on the Judiciary.

5063. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: documentation of nonimmigrants under the Immigration and Nationality Act, as amended [Public notice 2594] received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5064. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Canadian Border Boat Landing Program [INS No. 1796-96] (RIN: 1115-AE53) received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5065. A letter from the General Counsel, Department of Transportation, transmitting the Department's "Major" final rule—Off-shore Supply Vessels (Coast Guard) [CGD 82-004 and CGD 86-074] (RIN: 2115-AA77) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5066. A letter from the General Counsel, Department of Transportation, transmitting the Department's "Major" final rule—Overfill Devices (Coast Guard) [CGD 90-071a] (RIN: 2115-AD87) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5067. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Antarctic Treaty Environmental Protection Protocol (Coast Guard) [CGD 97-015] (RIN: 2115-AF43) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5068. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Harbor Festival Fireworks Display, Greenport, NY (Coast Guard) [CGD01-97-089] (RIN: 2115-AA97) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5069. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Fleur De Lis Regatta Ohio River Mile 602.0-604.0, Louisville, Kentucky (Coast Guard) [CGD08-97-035] (RIN: 2115-AE46) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5070. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Qualifications for Tankermen and for Persons in Charge of Transfers of Dangerous Liquids and Liquefied Gases (Coast Guard) [CGD 79-116] (RIN: 2115-AA03) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5071. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 97-NM-164-AD; Amdt. 39-10122; AD 97-19-02] (RIN: 2120-AA64) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5072. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-221-AD; Amdt. 39-10124; AD 97-19-04] (RIN: 2120-AA64) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5073. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100) Airplanes (Federal Aviation Administration) [Docket No. 96-NM-271-AD; Amdt. 39-10120; AD 97-18-10] (RIN: 2120-AA64) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5074. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Series Airplanes Equipped With Manual IPECO Captain and First Officer Seats (Federal Aviation Administration) [Docket No. 97-NM-168-AD; Amdt. 39-10123; AD 97-19-03] (RIN: 2120-AA64) received September 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5075. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to enhance the safety of motor carrier operations and the Nation's highway system by amending existing Federal motor carrier safety laws to strengthen Federal and State enforcement capabilities and to provide the Department of Transportation with greater administrative flexibility through which to promote innovative approaches to ensuring motor carrier safety; to the Committee on Transportation and Infrastructure.

5076. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Acquisition of Rail Lines Under 49 U.S.C. 10901 and 10902—Advance Notice of Proposed Transactions [STB Ex Parte No. 562] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5077. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Mark to Market Accounting Method for Dealers in Securities [Rev. Rul. 97-39] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5078. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and in methods of accounting [Rev. Proc. 97-43] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5079. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Medical Savings Accounts [Announcement 97-96] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5080. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate [Rev. Rul. 97-40] received September 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5081. A letter from the Secretary of Defense, transmitting a report concerning the tax deductibility of nonreimbursable expenses incurred by members of reserve components in connection with military service, pursuant to Public Law 104-201, section 1251; to the Committee on Ways and Means.

5082. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to establish the position of Under

Secretary of Agriculture for Marketing and Regulatory Programs; jointly to the Committees on Agriculture and Government Reform and Oversight.

5083. A letter from the Chair of the Board, Office of Compliance, transmitting notice of proposed rulemaking for publication in the Congressional Record, pursuant to Public Law 104-1, section 304(b)(1) (109 Stat. 29); jointly to the Committees on House Oversight and Education and the Workforce.

5084. A letter from the Assistant Secretary, Department of Defense, transmitting a report notifying Congress of determinations that institutions of higher education have been deemed ineligible for certain Federal funding, pursuant to Public Law 104-208, section 514; jointly to the Committees on National Security, Education and the Workforce, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPENCE: Committee on National Security. H.R. 695. A bill to amend title 18, United States Code, to affirm the rights of United States persons to use and sell encryption and to relax export controls on encryption; with an amendment (Rept. 105-108, Pt. 3). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DAN SCHAEFER of Colorado:

H.R. 2472. A bill to extend certain programs under the Energy Policy and Conservation Act; to the Committee on Commerce.

By Mr. NADLER:

H.R. 2473. A bill to amend the Immigration and Nationality Act to exempt orphan children from the immigration vaccination requirement; to the Committee on the Judiciary.

By Mr. PETRI (for himself, Mr. OBERSTAR, Mr. CHRISTENSEN, Mr. MCCRERY, Mr. BACHUS, and Mr. COLLINS):

H.R. 2474. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of the excise tax on diesel fuel used in trains by 1.25 cents per gallon, and for other purposes; to the Committee on Ways and Means.

By Mr. SANDERS (for himself, Mr. MORAN of Virginia, Mr. EVANS, Mr. RUSH, Mr. TOWNS, Mr. STARK, Mr. FILNER, Mr. DAVIS of Illinois, Mr. PAYNE, Mr. MANTON, and Mrs. MALONEY of New York):

H.R. 2475. A bill to amend the Tariff Act of 1930 to prohibit imports of articles produced or manufactured with bonded child labor, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a pe-

riod to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UNDERWOOD (for himself, Mr. DUNCAN, and Mr. LIPINSKI):

H.R. 2476. A bill to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 339: Mr. THUNE.

H.R. 1544: Mr. NADLER.

H.R. 1872: Mr. COX of California.

H.R. 1967: Mr. HILLEARY.

H.R. 2129: Mr. BOEHNER, Ms. PRYCE of Ohio, and Mr. CHABOT.

H.R. 2377: Mrs. EMERSON, Mrs. JOHNSON of Connecticut, Ms. HOOLEY of Oregon, Mr. BACHUS, Mr. EVERETT, Mr. SMITH of Michigan, Mr. WALSH, Mr. HASTERT, Mr. GEKAS, Mr. LAFALCE, Mr. BARRETT of Nebraska, and Mr. BOYD.

H. Res. 16: Mr. PETERSON of Minnesota and Mr. LAZIO of New York.